

In re Appl. No. 09/000,366
Confirmation No. 5189

REMARKS

Double Patenting

Claims 1 and 3-14 are rejected under the judicially created doctrine of obviousness-type double patenting.

This rejection is respectfully traversed. Submitted herewith is a terminal disclaimer signed by the undersigned.

Rejections under 35 U.S.C. 112

Claims 1 and 3-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This rejection is respectfully traversed. Claims 1, 7, and 8 have been amended to clarify what are "it" and "the same."

Art Rejections

Claims 1, 3-6 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over CA 1213170.

This rejection is respectfully traversed. The claims have now been amended to recite that the frozen ground fish meat is milled to a substantially uniform particle size in the absence of partial thawing. Support for this amendment can be found in the specification as page 5, first paragraph. There is nothing in CA 1213170

In re Appl. No. 09/000,366
Confirmation No. 5189

filed that teaches or suggests that the frozen meat is milled to a substantially uniform particle size in the absence of partial thawing. It is well understood that milling produces friction, which in turn produces heat. The process of the present invention, which is conducted in the absence of partial thawing, prevents changes in the quality of the ground fish meat.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over CA 1213170 as applied above in view of Katoh et al. Katoh et al. are said to teach using a pin mixer to stir in additives.

This rejection is respectfully traversed. The fact that it is possible to use a pin mixer to stir in additives is immaterial, as there is nothing in Katoh et al. that teaches or suggests the concept of milling the frozen ground fish meat in the absence of partial thawing.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh et al. in view of CA 1213170 and JP 06133793. Katoh et al. are said to teach a method for producing kamaboko by molding thawed, ground fish paste and heating the molded fish in two steps to induce gelling. The Examiner concedes that Katoh et al. do not teach milling frozen, ground fish meat or heating with electricity. CA 1213170 is said to

In re Appl. No. 09/000,366
Confirmation No. 5189

teach a method for thawing frozen ground meat by milling the frozen meat and thawing with elevated temperature. JP 06133739 is said to teach producing molded fish paste products by heating with electricity.

This rejection is respectfully traversed. None of the cited patents teaches or discloses producing kamaboko using frozen ground fish paste which has been milled to a substantially uniform particle size in the absence of partial thawing and then thawing the particles.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Respectfully submitted,

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In re Appl. No. 09/000,366
Confirmation No. 5189

"Version with markings to show changes"

1. (Fifth Amendment) A method for thawing frozen ground fish meat which comprises milling a frozen ground fish meat mass to a substantially uniform particle size in the absence of partial thawing and then thawing without shearing ~~it~~ the ground fish meat mass by elevating the temperature.

7. (Fifth Amendment) A process for producing materials for fish paste products which involves the step of milling a frozen ground fish meat mass to a uniform particle size thawing said milled particles without shearing ~~it~~ the ground fish meat mass by elevating the temperature to give a ground fish meat; and mixing under stirring said ground fish meat together with additives with the use of a pin mixer, wherein said additives include at least one of a seasoning, starch, sugar, and a polyphosphate.

8. (Third Amendment) A process for producing kamaboko which comprises:

molding a material for fish paste products, which material has been produced by milling a frozen ground fish meat mass in a substantially uniform manner, thawing the milled fish meat by elevating the temperature

In re Appl. No. 09/000,366
Confirmation No. 5189

to give a ground fish meat, and mixing under stirring
said ground fish meat together with additives using a pin
mixer to form a molded product,

passing electric current through the molded
product, this heating the molded product due to the
electrical resistance within the molded product,

subjecting the molded product to suwari
gelation by heating for a definite time, and

then further heating the ~~same~~molded product.